

Message Text

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41

ACTION AF-06

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R 161301Z MAR 76
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC 3946
INFO AMEMBASSY BONN

UNCLAS LAGOS 03226

DEPARTMENT FOR AF/EX AND L
BONN FOR BELLINGER

E.O. 11652: N/A
TAGS: AFSP, ACLM
SUBJECT: SUIT: U.S. EMBASSY VS. MAJOR GENERAL ADEBAYO

REF: (75) STATE 206421

1. AFTER FOUR MONTHS DELIBERATION ON THE ISSUES INVOLVED IN THE EMBASSY'S CASE AGAINST MAJOR GENERAL ADEYINKA ADEBAYO, THE LAGOS HIGH COURT MARCH 5 HANDED DOWN A JUDGEMENT IN FAVOR OF THE DEFENDANT. THE RULING WAS BASED PARTLY ON THE FACT THAT THE LEASE DID NOT FOLLOW THE FMG PRESCRIBED FORMAT (ALTHOUGH IT ADHERED TO THE STATE DEPARTMENT FORMAT THAT HAS BEEN USED ON ALL EXISTING LEASES TO DATE) AND PARTLY ON THE FACT THAT THE U.S. EMBASSY, BEING ON ALIEN IN NIGERIA, COULD NOT ACQUIRE OR SUB-LET PROPERTY IN LAGOS WITHOUT THE CONSENT OF THE GOVERNOR OF LAGOS STATE AND THIS HAD NOT BEEN SECURED. DESPITE EVIDENCE IN THE FORM OF A DOCUMENT, SIGNED IN MARCH 1974, WHICH FIXED ON GENERAL ADEBAYO RESPONSIBILITY FOR OBTAINING THE GOVERNOR'S CONSENT, THE COURT RULED THAT NO BINDING AGREEMENT EXISTED BETWEEN THE TWO PARTIES.

2. NEEDLESS TO SAY ABOVE COMES AS MAJOR DISAPPOINTMENT SINCE DECISION APPEARS TO BE BASED ON TECHNICALITY WITHOUT CONSIDERATION FOR INTENT.

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EM AS COMPLETE WRITTEN TEXT OF JUDGEMENT NOT YET

RECEIVED EMBASSY'S ATTORNEY RECOMMENDS WE AWAIT RECEIPT
AND DETAILED ANALYSIS BEFORE DECIDING WHETHER TO EXERCISE
RIGHT OF APPEAL.

4. ALSO, BECAUSE OF ITS SIMILARITY, ATTORNEYS HAVE REQUESTED
A CONTINUANCE IN THE EMBASSY'S SECOND CASE AGAINST MR.
EDWARD ALAYIDEINO (HEARINGS TO HAVE COMMENCED ON 22 MARCH)
PENDING FINAL DETERMINATION OF FURTHER ACTION, IF ANY, TO
BE PURSUED AGAINST GENERAL ADEBAYO.
EASUM

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Message Attributes

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